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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 GEORGIY RICHKO,

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14 Petitioner,

15 v.

16 CHRISTOPHER J. LAROSE,

17 Respondents.  
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Case No.: 26-cv-03611-RSH-DDL

**RETURN TO PETITION FOR A  
WRIT OF HABEAS CORPUS**

1       Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has  
2 carefully reviewed this petition and determined that the legal issues presented concern the  
3 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of  
4 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including  
5 the right to appeal, the government respectfully submits this abbreviated response to  
6 preserve the legal issues, to conserve judicial and party resources, and to expedite the  
7 Court's consideration of this matter.

8       It is the government's position that Petitioner is subject to mandatory detention under  
9 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this  
10 District, have repeatedly reached the opposite conclusion under the same and/or similar  
11 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773  
12 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025  
13 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025  
14 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.  
15 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.  
16 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL  
17 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,  
18 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF  
19 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF  
20 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9  
21 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025  
22 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-  
23 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-  
24 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-  
25 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

26       The government acknowledges that this Court's prior decisions will control the  
27 result here if the Court adheres to its prior decisions, as the facts are not materially  
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1 distinguishable for purposes of the Court's decision, and on that basis the government does  
2 not oppose the petition and agrees to a bond hearing.<sup>1</sup>

3 DATED: June 30, 2026

Respectfully submitted,

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6  
7 s/ Jacob T. Metzger  
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8 Special Assistant U.S. Attorney  
9 Attorney for Respondents

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23 <sup>1</sup> To the extent the Court issues an order directing a bond hearing under 1226(a),  
24 considering heavy caseloads and staffing levels, Respondents respectfully request that  
25 such order provide the government 14 days from issuance to hold such bond hearing.  
26 Respondents also respectfully note that the Ninth Circuit has confirmed that at a bond  
27 hearing under 8 U.S.C. § 1226(a), the burden is on the detainee to demonstrate by a  
28 preponderance of the evidence that he is not a flight risk or danger to the community. *See*  
*Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022); *see also Dos Santos v.*  
*Becerra*, No. 26-cv-01423-GPC-VET, 2026 WL 800201 (S.D. Cal. Mar. 23, 2026).